

Law Offices of Ezra Spilke

1825 Foster Avenue, Suite 1K  
Brooklyn, New York 11230  
t: (718) 783-3682  
e: [ezra@spilkelaw.com](mailto:ezra@spilkelaw.com)  
[www.spilkelaw.com](http://www.spilkelaw.com)

March 13, 2021

**BY ECF**

The Honorable Barbara Moses  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *United States v. Sheila Rodriguez et al.*, No. 21 Mag. 2795

Dear Magistrate Judge Moses:

I represent Carmelo Rosario Polanco in this matter and I write to respectfully request of modification of the conditions of his release to conform with what counsel believes to be your Honor's intention. Mr. Rosario Polanco was arrested on Wednesday, March 10. Yesterday, at his initial appearance, the Court ordered Mr. Rosario Polanco's release on conditions that included a \$50,000 PRB, secured by two financially responsible persons and home detention with location monitoring. Your Honor ordered Mr. Rosario Polanco released on his own signature. Last night, at 5:30 PM, I learned that Mr. Rosario Polanco, who is detained at Essex County Jail, would not be released until Monday. The reason is that he needs to be fitted with an ankle bracelet for electronic monitoring, which only gets done between 9:00 AM and 12:00 PM on weekdays.

Mr. Rosario Polanco's bond indeed states that he is subject to electronic monitoring, which your Honor ordered. However, it was my recollection that your Honor ordered that he be equipped with the monitoring apparatus *after* he had self-quarantined at home until he had tested negative for the novel coronavirus. Indeed, at the end of yesterday's Court appearance, a representative of Pretrial Services asked the Court to direct counsel to inform Pretrial when Mr. Rosario Polanco tested negative. The bond, which I received to review and sign on Mr. Rosario Polanco's behalf at 5:00 PM yesterday, does not make it clear that Mr. Rosario Polanco is to be fitted with location monitoring equipment at a later date. Accordingly, Mr. Rosario Polanco, who has been without his heart medication for four days now, requests an order modifying his conditions of release to reflect the understanding set forth above. The government does not object to this request.

Respectfully submitted,



Hon. Barbara Moses  
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cc: All counsel of record by ECF

Application **GRANTED**. As clearly stated in yesterday's minute order (Dkt. No. 8), defendant was to be released upon his own signature. As further clearly stated: "Because defendant tested positive for COVID-19 [Thursday], followed by a negative test [Friday], he is to self-quarantine upon release, obtain repeat tests as needed, and upon once again testing negative is to report to PTS to receive an ankle bracelet and monitoring equipment for self-installation." (Emphasis added.) The defendant is to be released immediately upon the terms ordered by the Court, which do not include the pre-release installation of an ankle bracelet.

**SO ORDERED.**



Barbara Moses  
United States Magistrate Judge  
March 13, 2021